

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,
Plaintiff,

v.


Rodolfo OSUNA,
Defendant.

Magistrate Case No.: '08 MJ 84 32
COMPLAINT FOR VIOLATION OF
21 U.S.C. § 952 and 960
Importation of a Controlled Substance
(Felony)

The undersigned complainant being duly sworn states:

On or about May 15, 2008, within the Southern District of California, defendant Rodolfo OSUNA did knowingly and intentionally import approximately 31.64 kilograms (69.60 pounds) of marijuana, a Schedule I Controlled Substance, into the United States from a place outside thereof, in violation of Title 21, United States Code, Sections 952 and 960.

The complainant states that this complaint is based on the attached Statement of Facts incorporated herein by reference.


Douglas A. Struckmeyer
Special Agent
U.S. Immigration & Customs
Enforcement

SWORN TO, BEFORE ME, AND SUBSCRIBED IN MY PRESENCE THIS 16th
DAY OF MAY, 2008.


PETER C. LEWIS
U.S. MAGISTRATE JUDGE

1 UNITED STATES OF AMERICA

2 v.

3 Rodolfo OSUNA

4 STATEMENT OF FACTS

5 This complaint is based upon the personal observations, investigation and
6 information provided to U.S. Immigration and Customs Enforcement Special Agent
7 Douglas Struckmeyer.

8 On May 15, 2008, Rodolfo OSUNA entered the United States at the Calexico,
9 California, West Port of Entry. OSUNA was the driver and sole occupant of a 1999
10 Ford Escort registered to him and another person. Customs and Border Protection
11 Officer (CBPO) A. Ramirez received a negative Customs declaration from OSUNA.
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13 During the primary inspection, CBPO Ramirez asked OSUNA the reason for his
14 visit to Mexico. OSUNA stated that he went to Mexico to visit family. CBPO Ramirez
15 asked OSUNA who owned the vehicle. OSUNA stated the vehicle belonged to his wife.
16 CBPO Ramirez escorted OSUNA to the vehicle secondary area for further inspection.
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18 CBPO D. Thomas encountered OSUNA in the secondary inspection area. At the
19 time, Canine Enforcement Officer (CEO) Parrish was conducting a lot sweep with his
20 Narcotic Detector Dog (NDD). CBPO Thomas instructed OSUNA to exit his vehicle so
21 CEO Parrish could conduct the sweep. While the sweep was being conducted, CBPO
22 Thomas received a negative Customs declaration from OSUNA. OSUNA told CBPO
23 Thomas that the vehicle belonged to him and he had been in Mexico for approximately
24 three hours visiting a girlfriend.
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26 CEO Parrish informed CBPO Thomas his NDD had alerted to the rear passenger
27 side quarter panel of OSUNA's vehicle, indicating the presence of the odor of a
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1 controlled substance in that area. Further inspection, revealed a total of 29 packages
2 hidden within both rear quarter panels of the vehicle. The packages contained a green
3 leafy substance which field-tested positive for marijuana. The total weight of the
4 packages was 31.64 kilograms (69.60 pounds) of marijuana.

5 After the packages were removed, CBPO Thomas found metal straps welded
6 into the inside of the quarter panels. The metal straps kept the packages away from
7 the outside body of the vehicle. By doing this, when CBPO Thomas tapped on the
8 quarter panels of the vehicle, the quarter panels sounded hollow and did not sound like
9 they were loaded with packages.
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